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Implementation of the United Nations Declaration on the Rights of Indigenous Peoples

Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs

Recommendations on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples

1. The Permanent Forum on Indigenous Issues expresses its profound appreciation to H.E. Evo Morales Ayma, President of Bolivia, for his presence and welcomes his intervention as the first Head of State to address a session of the Permanent Forum on Indigenous Issues. The Permanent Forum also welcomes President Morales's leadership in the promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples (General Assembly resolution 61/295, annex).

2. The Permanent Forum hails the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly. The 13th of September 2007 is a historic day for the United Nations, indigenous peoples and States and marks the beginning of a new era of renewed partnerships for the promotion and protection of the human rights of all indigenous peoples and each indigenous person around the world. The Permanent Forum notes its new responsibility under the Declaration and pledges its commitment to making it a living document throughout its work. The Permanent Forum thus invites the international community as a whole, States, indigenous peoples, non-governmental organizations, the private sector, academia and the media to promote the Declaration and apply it in their policies and programmes for the improvement of indigenous peoples' well-being around the world.[1]

[1] Article 42 of the Declaration states: "The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration".

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3. The Permanent Forum expresses its deep appreciation to its two former members, Ida Nicolaisen and Wilton Littlechild, who, in accordance with the mandate given to them by the Permanent Forum at its sixth session, prepared a study (E/C.19/2008/2) that addresses, inter alia, the way to implement the new mandate of the Permanent Forum under article 42 of the Declaration.

4. The Permanent Forum decides to hold an international expert group meeting to discuss in greater detail the way in which the Forum should address its mandate under article 42 of the Declaration.

5. The Permanent Forum notes the recommendations of the study to coordinate with the Human Rights Council through the new expert mechanism on the rights of indigenous peoples and to propose the establishment, within the Permanent Forum itself, of a chamber on the United Nations Declaration on the Rights of Indigenous Peoples.

6. The Permanent Forum affirms that the United Nations Declaration on the Rights of Indigenous Peoples will be its legal framework. The Permanent Forum will therefore ensure that the Declaration is integrated in its own recommendations on the seven substantive mandated areas — economic and social development, environment, health, education, culture, human rights and the implementation of the Declaration — as well as in the Permanent Forum's work under the special theme for each session and in its ongoing themes and priorities.

7. Furthermore, the Permanent Forum will promote a constructive dialogue with Governments on the achievements, challenges and future action required in relation to indigenous peoples' issues in each country under the Declaration. Such dialogue will take place periodically and enlist the participation of indigenous organizations as well as the United Nations system. The discussion will create an enabling environment of cooperation at the national and international levels, aiming at practical results on the ground.

8. The Permanent Forum calls for the cooperation of all States, indigenous peoples, the United Nations system and other intergovernmental organizations in its task of ensuring that the Declaration reaches indigenous peoples in their communities by appropriate dissemination of the text in indigenous peoples' own languages. In this connection the Permanent Forum welcomes the measures decided upon by the Inter-Agency Support Group on Indigenous Issues for the dissemination of the Declaration.

9. The Permanent Forum wishes to express its appreciation to the Inter-Agency Support Group for its contribution to the work of the Permanent Forum, and encourages all United Nations agencies to join the Group, particularly those whose area of work is of special relevance for the rights and well-being of indigenous peoples, such as the World Health Organization.

10. The Permanent Forum requests that the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people identify the actions of transnational corporations which may breach the inherent rights detailed in the Declaration on the Rights of Indigenous Peoples and invites them to present a joint report to the Permanent Forum at its eighth session in 2009.

11. The Permanent Forum requests that the specialized agencies of the United Nations, in accordance with articles 41 and 42 of the Declaration on the Rights of Indigenous Peoples, review their policies and programmes in order to comply with the provisions contained in the Declaration ensuring respect for the right to self-determination of indigenous peoples and the right to free, prior and informed consent.

12. The Permanent Forum, the expert mechanism on the rights of indigenous peoples and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people should evaluate whether existing and proposed climate change policies and projects comply with the standards set by the Declaration on the Rights of Indigenous Peoples. These bodies, together with the members of the Inter-Agency Support Group on Indigenous Issues, should collaborate with States and indigenous peoples to effectively ensure that the implementation of the Declaration is central to the design and implementation of climate change policies and programmes.

13. The Permanent Forum expresses its appreciation to the Member States which have already submitted information to it over the years and encourages all States to submit substantive information on measures taken to implement the United Nations Declaration on the Rights of Indigenous Peoples.

14. The Permanent Forum recommends that intergovernmental organizations such as the Commonwealth Secretariat and the Secretariat of the Ibero-American Summit, in cooperation with indigenous peoples, establish a working group to promote the implementation of the United Nations Declaration on the Rights on Indigenous Peoples and the Plan of Action of the Second International Decade of the World's Indigenous People.

15. The Permanent Forum welcomes the ruling of the Inter-American Court of Human Rights in the case of *Saramaka People* vs. *Suriname* (28 November 2007), which aptly applies the United Nations Declaration on the Rights of Indigenous Peoples. The Permanent Forum urges the Working Group of the Organization of American States which is elaborating the draft American declaration on the rights of indigenous peoples to consider the United Nations Declaration on the Rights of Indigenous Peoples as the minimum standard.

16. The Permanent Forum welcomes the decision of Bolivia to make the United Nations Declaration on the Rights of Indigenous Peoples national law and to include it in the Constitution approved by the Constituent Assembly. The Permanent Forum encourages Ecuador and Nepal to give due consideration to the United Nations Declaration on the Rights of Indigenous Peoples in their current constitutional processes.

17. The Permanent Forum, in accordance with article 26 of the United Nations Declaration on the Rights of Indigenous Peoples (the right to the lands, territories and resources which the indigenous peoples have traditionally owned, occupied or otherwise used or acquired), requests States, United Nations agencies, churches, non-governmental organizations and the private sector to fully respect the property rights of indigenous peoples in voluntary isolation and initial contact in the Amazon and the Paraguayan and Bolivian Chaco.

18. The Permanent Forum recommends that the United Nations system promote understanding of the United Nations Declaration on the Rights of Indigenous

Peoples among decision makers, public officials, justice systems, national human rights institutions and non-governmental organizations.

19. The Permanent Forum recommends that national human rights institutions and other relevant national and regional bodies, including the African Commission on Human and Peoples' Rights, promote the rights of indigenous peoples and monitor the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, and ensure that the international standards on indigenous peoples' rights are translated into national laws.

Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

20. The Permanent Forum expresses its gratitude to Rodolfo Stavenhagen for his many and significant contributions to the advancement of the human rights of indigenous peoples during his tenure as Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people.

21. The Permanent Forum congratulates James Anaya on his appointment as Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people. The Permanent Forum looks forward to working closely with Mr. Anaya in continuing to address the many urgent human rights issues faced by indigenous peoples and in taking forward the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

22. The Permanent Forum recommends that the United Nations system continue to build the capacities of indigenous peoples' organizations and to develop their knowledge and skills to defend their rights through training and consultations.

23. The Permanent Forum is concerned about legislative and regulatory processes that criminalize the establishment and management of community radio stations. The Permanent Forum encourages States to expressly recognize community media in their domestic law and to adopt effective actions to enforce the right of indigenous peoples and communities to have their own media.

24. The Permanent Forum recommends that the Office of the United Nations High Commissioner for Human Rights and relevant United Nations agencies and organs establish specific units for indigenous peoples' issues to contribute to the implementation of the Declaration in accordance with articles 41 and 42.

25. The Permanent Forum recommends that States include representatives of indigenous peoples in the national consultation process for the preparation of national reports to be submitted to the Human Rights Council for universal periodic review.

26. The Permanent Forum recommends that the Human Rights Council include the United Nations Declaration on the Rights of Indigenous Peoples as a normative basis for universal periodic review.

27. The Permanent Forum recommends that the Office of the United Nations High Commissioner for Human Rights, the United Nations Institute for Training and Research and other relevant United Nations agencies and offices provide training on the universal periodic review process for and with indigenous peoples.

28. The Permanent Forum requests that the Special Representative of the Secretary-General on human rights defenders conduct a specific study on the situation of indigenous human rights defenders and submit a report to the Permanent Forum at its eighth session.